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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,070	03/08/2002	Ernst Gerber	753-11 PCT/US	8511

7590

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EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,070

Applicant(s)

GERBER, ERNST

Examiner

Erica E Cadugan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Faxing of Responses to Office Actions***

1. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302 or, for responses after final rejection only, to (703) 872-9303. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2-41807 (hereinafter '807).

'807 teaches a spindle 10 or "holder" having a bore into which a ceramic sleeve 11 is fitted and held via a thermal shrink fit (see English abstract, Figures 1-3). A tool holder is inserted into the bore 11c of the sleeve 11 (Figures 1-3, English abstract), and the sleeve "holds" the tool holder (and thus the tool held thereby) therein (see English abstract). Additionally, it is noted that the diameter of the sleeve bore 11c is such that it permits a smaller diameter tool to be held than would otherwise be held by the bore of the "holder" 10, and thus is considered a "reducing" sleeve". Since the sleeve can be removed (English abstract, Figures 1-3), it is

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“interchangeable”. Additionally, the sleeve 11 is affixed to the “holder” 10 via a shrink fit and screws or bolts 13, and thus the sleeve is considered to be “fixed” to the holder 10.

***Response to Arguments***

4. Applicant's arguments filed May 23, 2003 have been fully considered but they are not persuasive.

5. Applicant's arguments appear to indicate that in Applicant's opinion, spindle 10 taught by JP 2-41807 (hereinafter '807) cannot be considered the claimed “heat shrink toolholder”. However, this is not persuasive. It is noted that spindle 10 holds therein a ceramic sleeve 11 which has a tapered face 11c that ultimately holds a tool thereby (see English abstract and Figures 1-3), and thus spindle 10 ultimately serves to “hold” a tool, and it is further noted that the holding is accomplished at least in part by heat shrinkage (at least for holding the sleeve 11, see English abstract, Figures 1-3).

Additionally, Applicant has stated that “[t]here is no disclosure or suggestion in the Japanese patent to heat shrink a tool shank or machine part within the ceramic sleeve 11 with the ceramic sleeve 11 providing a holding force in its cold state to the tool shank or part”. However it is noted that since tapered bore 11c of sleeve 11 contacts a toolholder or tool shank (English abstract, Figures 1-3) to hold the toolholder or tool shank within the bore, the sleeve 11 “transfers a holding action” in a cold state to the toolholder or tool shank, and thus to the claimed “tool shank or part”, which meets the claim limitation in question that sets forth “a reducing sleeve that transfers a holding action exerted by the holder in its cold state to the tool shank or part”.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No.'s 6595528, 6394466, US Pat Publication 2003/0132582 and EP 1029620 teach shrink-fitted sleeves. 6519829 teaches shrink-fitting ceramic with metal.

7. Applicant's amendment necessitated the new ground(s) of rejection (i.e., that of the new claims) presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (703) 308-6395. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

*ecc*

ecc

August 5, 2003

*A. L. Wellington*  
A. L. WELLINGTON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700